

DEPARTMENT OF CUSTOMER SERVICES

CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

Amendment and compilation of Part VI of the Rules and Regulations of the Director of Finance,  
to be renamed as Part VI of the Rules and Regulations of the Department of Customer Services

April \_\_, 2023

SUMMARY

1. §§6.1, 6.2, 6.4, and 6.6 to 6.11 are amended.
2. §§6.3, 6.5, and 6.12 to 6.16 are repealed.
3. §6.11.5 is adopted.
4. Part VI is compiled.

DEPARTMENT OF CUSTOMER SERVICES

CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

April \_\_, 2023

1. Part VI, Rules and Regulations of the Director of Finance, is amended and compiled to read as follows:

“PART VI

§6.1	Purpose and Scope
§6.2	Definition
§6.3	Repealed
§6.4	Severability
§6.5	Repealed
§6.6	Design of Special Number Plates
§6.7	Applications for Special Number Plates
§6.8	Standards for Denial of Special Number Plates
§6.9	Issuance and Replacement of Special Number Plates
§6.10	Surrender or Recall of Special Number Plate
§6.11	Plates Transferable
§6.11.5	Appeals
§6.12	Repealed
§6.13	Repealed
§6.14	Repealed
§6.15	Repealed

§6.16 Repealed

[Historical Note: Pursuant to the 1998 General Election Charter Amendments, administration of Part VI of the Rules and Regulations of the Director of Finance was transferred to the Department of Customer Services]

~~[Pursuant to and by virtue of the authority set forth in Section 249-9.1, Hawaii Revised Statutes, the Director of Finance of the City and County of Honolulu, subject to the approval of the Mayor of the City and County of Honolulu, hereby amends his rules and regulations by amending Part VI relating to applications for special number plates, to read as follows:]~~

~~[Rule 6.1 Purpose and Scope.]~~ **§6.1 Purpose and Scope.** These rules govern the procedures to be followed for the application and issuance of special number plates. [Eff 11/14/90; am and comp ] (Auth: RCH §4-105.3) (Imp: RCH §6-402)

~~[Rule 6.2 Definition.]~~ **§6.2 Definitions.** As used in these rules, unless the context clearly requires otherwise[;]:

“Director” shall mean the Director of ~~[Finance]~~ Customer Services of the City and County of Honolulu, or ~~[his]~~ the Director’s duly authorized subordinates. [Eff 11/14/90; am and comp ] (Auth: RCH §4-105.3) (Imp: RCH §6-402)

~~[Rule 6.3 Amendment or Repeal of Rules.]~~

- ~~1. The Director may amend or repeal these rules or add to them as provided in Section 91-2, HRS.~~
- ~~2. Any interested person may petition the Director requesting the amendment or repeal of any of these rules or adoption of new rules as provided in Section 91-6, HRS.]~~  
~~[Eff 11/14/90; R. ]~~

~~[Rule 6.4 Severability.]~~ **§6.4 Severability.** If any portion of these rules or the applicability thereof should be held invalid for any reason, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provisions or applications and to this end these rules are declared to be severable. [Eff 11/14/90; am and comp ] (Auth: RCH §4-105.3) (Imp: RCH §6-402)

~~[Rule 6.5 Effective Date.~~

~~These rules shall become effective ten days after filing with the City Clerk, City and County of Honolulu.] [Eff 4/25/94; R. ]~~

~~[Rule 6.6 — Design of Special Number Plates]~~ **§6.6 Design of Special Number Plates.**

~~[1.] (a) Special number plates shall conform to all requirements as provided in [Section 249-9.1, HRS.] chapter 249, HRS, or other applicable state or federal law, provided that these rules shall also apply unless expressly precluded by state or federal law.~~

~~[2.] (b) An empty space requested before, between or after the letters or numerals shall be in lieu of a letter or numeral.~~

~~[3.] (c) The letter/numeral combination shall be centered on the license plates. [Eff 11/14/90; am and comp ] (Auth: RCH §4-105.3) (Imp: RCH §6-402)~~

~~[Rule 6.7 Applications for Special Number Plates]~~ **§6.7 Applications for Special Number Plates.**

~~[1.] (a) Persons desiring special number plates shall [make application on] apply using forms or a website furnished by the Director.~~

~~[2.] (b) Applications shall be [approved] reviewed on a first-come first-served basis and will not be considered approved [until the] unless all required and outstanding fees relating to motor vehicle registration are paid [and the letter/numeral combination authorized by the Director for issuance.] and the requested combination of letters and numerals has been approved by the Director pursuant to these rules. [Eff 11/14/90; am and comp ] (Auth: RCH §4-105.3) (Imp: RCH §6-402)~~

~~[3. — Phone requests will not be considered unless the application and required fees have been submitted.]~~

~~[4.] (c) A refund shall be authorized if an application has been denied [by the Director].~~

~~[5.] (d) Once the order for special number plates has been placed with the vendor, there will be no refund [for cancellation.] if the applicant wishes to cancel the application. [Eff 11/14/90; am and comp ] (Auth: RCH §4-105.3) (Imp: RCH §6-402)~~

~~[Rule 6.8 Standards for Denial of Special Number Plates]~~ **§6.8 Standards for Denial of Special Number Plates.** ~~[1.]~~ (a) The following applications shall be denied:

- ~~[a.]~~ (1) Applications with the letter/numeral combination of regular plates;
  - ~~[b.]~~ (2) Applications with the letter/numeral combination which have been already assigned, or the application has been preceded by another application with the same letter/numeral combination;
  - ~~[c.]~~ (3) Applications bearing the following types of words or ~~[connotations:]~~ connotations, including abbreviations, slang terms, phonetic spellings, backwards or upside-down spellings, mirror images, or spellings substituting numbers, spaces, or dashes for letters, in any language:
    - ~~[(4)]~~ (A) Words or connotations of a sexual, obscene, profane, or vulgar nature, or relating to excretory functions or intimate body ~~[parts:]~~ parts, provided that:
      - (i) an application containing the number 69 with a clear and unambiguous reference to the automobile itself (such as “69FORD”) may be granted for automobiles manufactured in 1969, and provided further that such plates are not transferable to automobiles manufactured in a different year;
      - (ii) an application containing the letters “F” or “AF” may be issued only if the context is clear that the letters are not an abbreviation for “f---” or “as f---”, where “f---” is a well-known four-letter expletive.
    - ~~[(2)]~~ (B) ~~[Drug-related words or connotations:]~~ Words or connotations relating to any illegal drug, alcohol, tobacco, smoking/vaping, or any controlled substance.
    - ~~[(3)]~~ (C) Words or connotations ~~[which are ethnic in origin or character and which are judged by the Director to be offensive and disparaging.]~~ that refer or relate to any group defined principally by race, ethnicity, creed, nationality, or sexual orientation. This includes all references to such groups or individuals, whether positive, negative, or neutral.
    - (D) Words or connotations relating to gang names or symbols.
    - (E) Words or connotations, such as “HPD”, suggesting that a non-government vehicle belongs to a government entity.
  - (4) Applications bearing words or connotations that are expressly prohibited by state law.
- ~~[2.]~~ (b) For purposes of this rule, the following standards shall apply:
- ~~[a.]~~ (1) In determining the connotation, inference, or tendency of a given request, the Director shall apply an objective test of what inference may reasonably be detected by one conversant with whatever linguistic, numerical, or phonetic mode of communication that may apply to the request. The Director ~~[may]~~ shall not consider the subjective intent or the declared meaning of the applicant. The request shall be considered to be the most objectionable connotation that reasonably may be ascribed to it.

~~[b-]~~ (2) “Words of a sexual, obscene, profane, or vulgar nature” shall be those words, the connotation of which is [~~‘vulgar,’ ‘usually considered vulgar,’ ‘not used in polite conversation,’ or~~] lewd, profane, obscene, or vulgar, which refer or relate to sexual or excretory acts or functions, or which are equivalently designated in Webster’s Collegiate Dictionary, current edition.

~~[e-]~~ (3) “Intimate body parts” shall include breasts, genitalia, pubic area, buttocks, thighs, and organs related to sexual and eliminatory functions, regardless of whether the request is couched in common, foreign, vulgar, scientific, or other message form.

~~[d. “Drug-related words or connotations” shall mean]~~ (4) Words or connotations relating to any illegal drug, alcohol, tobacco, smoking/vaping, or any controlled substance shall include words or messages that may objectively be construed as referring to any drug, narcotic, or intoxicant, including alcohol, that may be used or abused so as to produce a physical or mental condition that is inconsistent with the lawful, safe operation of a motor vehicle by the person affected. The phrase shall also include references to the paraphernalia, sale, use, user, purveyor of, and state produced by, any such drug, narcotic, or intoxicant.

~~[e-]~~ ~~“Words or connotations which are ethnic in origin or character” shall mean messages which may reasonably be the basis of age, sex, race, nationality, or creed.~~

~~f- “Offensive or disparaging” shall mean any message which may reasonably be construed as singling out any definable class or persons, classified on the basis of age, sex, race, nationality, or creed in a manner that subjects that class to contempt or ridicule, or espouses superiority of that class.]~~

~~[3-]~~ (c) The policies underlying this rule are to:

~~[a- Prevent governmental involvement in any discrimination on the basis of age, sex, race, nationality, creed, or religious preference;]~~

~~[b-]~~ (1) Protect the public and children, who by necessity must use the public highways and therefore be exposed to license plate messages, from [~~offensive,~~] obscene, profane, or unduly distractive messages that may tend to impair their safety or privacy;

~~[e-]~~ (2) Protect license plates, which are necessary to the lawful regulation and identification of vehicles, from vandalism and defacement that impair their function[-]; and

~~[d-]~~ (3) Avoid the appearance of governmental approval of profanity, vulgarity, obscenity, illegal activity, or conduct inimical to the safe, responsible operation of vehicles.

(d) The Director may implement a computer screening system to automatically notify applicants that a particular number/letter combination does not comply with these rules, provided that:

(1) the Director shall reject any number/letter combination that does not comply with these rules, even if the computer screening system does not automatically reject the application; and

(2) a computer-screened rejection does not constitute a final agency decision, a contested case hearing, or a decision and order by the Department. An applicant whose preferred plate is rejected by the computer screening system may appeal as

set forth herein. [Eff 11/14/90; am and comp 4/25/94; am and comp  
] (Auth: RCH §4-105.3) (Imp: RCH §6-402)

~~[Rule 6.9 Issuance and Replacement of Special Number Plates]~~ **§6.9 Issuance and Replacement of Special Number Plates.**

[1-] (a) Upon receipt of the special number plate, the Director shall send a letter or e-mail to the applicant at the address or e-mail address indicated on the application form.

[2-] (b) The application and renewal fees for special number plates shall be in addition to all other fees and taxes required under Chapters 249 and 286, HRS, for issuance of the special number plates to the vehicle and shall not be refundable[-] except as otherwise set forth in these rules.

[3-] (c) Upon the loss, defacement or destruction of a special number plate, the owner may request the reproduction of the same number plate upon payment of a special number plate replacement fee of [~~\$20.00-~~] \$60.00 or as otherwise set by state law.

[4-] (d) When an old series of license plates is replaced by a new series of license plates, the holders of special number plates shall be given first preference to apply for renewal of said special number plates. The Director shall determine the length of such renewal period. If the special number plates are not renewed within the renewal period, the letter/numeral combination shall become available for request to any application thereafter.

[a-] (e) The following procedures may be observed by the Director to apprise motorists of renewal or re-issuance of special number plates when a new series of license plates will be issued:

- (1) Publish on its website, or in a newspaper of general circulation, a notice of renewal of special number plates. Such publication shall appear at an appropriate time so as to permit interested [~~motorist~~] motorists to submit applications for renewal of special number plates and shall contain the period in which application shall be made therefore; or
- (2) Send notice of renewal to the address or e-mail address of the registered owners of record who are currently listed on the motor vehicle computer file. Notices need not be sent to registered owners whose name and address are not currently listed on the motor vehicle computer file. [Eff 11/14/90; am and comp  
(Auth: RCH §4-105.3) (Imp: RCH §6-402)]

~~[Rule 6.10 Surrender of Special Number Plate]~~ **§6.10 Surrender or Recall of Special Number Plate.**

(a) An owner of a special number plate may surrender the special number plate to the Director for future assignment to another vehicle[-], except as provided in these rules. The owner shall be subject to the applicable provisions, taxes and fees of Chapter 249 and 286, HRS.

(b) The Director shall decline to renew a special number plate that has already been issued if such plate does not comply with these rules. If the registration for such a non-compliant

special number plate does not expire for more than 120 days, the Director shall recall the plate and shall refund the special number plate fee to the registrant for that year only.

(c) In recalling a plate, the Director shall notify the registrant via e-mail. If the registrant has not provided an e-mail address, the Director shall notify the registrant via U.S. Mail. The registrant shall return the special number plate to the Department within 10 days of the date of the e-mail or the date the notice was sent via U.S. mail, unless the registrant has filed an appeal as set forth herein.

(d) Upon receipt of a complaint from a member of the public regarding another individual's special number plate, the Director shall review the plate to determine whether it complies with these rules. The Director shall not recall a plate solely because a member of the public lodged a complaint. If, upon review, the Director concludes that the plate does not comply with these rules, the plate shall be recalled. [Eff 11/14/90; am and comp ] (Auth: RCH §4-105.3) (Imp: RCH §6-402)

[Rule 6.11 Plates Transferable] **§6.11 Plates Transferable.**

Special number plates may be transferable pursuant to Section 249-7, HRS, and ~~[the rules and regulations of the Director of Finance.]~~ these rules. [Eff 11/14/90; am and comp ] (Auth: RCH §4-105.3) (Imp: RCH §6-402)

**§6.11.5 Appeals.** (a) If an applicant for a special number license plate objects to a denial or recall of a special number license plate, the applicant may appeal the denial or recall.

(b) If a number/letter combination is preliminarily rejected by the Department's computer screening system, the applicant shall request a review by a designee of the Director before the applicant may appeal to the Director pursuant to subsection (c). The rejection of a proposed number/letter combination by the Department's computer screening system, without review by a designee of the Department, is not a final decision of the Department. The Director's designee shall review the application and shall approve or deny the application in writing within 10 business days of receipt of the request for review. Neither a denial by the computer screening system nor a denial by the Director's designee as set forth in this subsection shall constitute a contested case hearing or a decision and order by the Department.

(c) If an application is denied by a designee of the Director, an applicant may appeal to the Director. Appeals shall be submitted to the Director in writing no later than 10 business days after denial.

(d) An appeal from the recall of a special number plate shall be filed with the Director in writing no later than 10 business days after the date of the notice of recall.

(e) Hearings shall be held in accordance with Section 91-9, HRS. The Director or a designated hearing officer shall conduct the hearing within 20 business days from the filing of the appeal, provided that the parties may agree to an extension of time.

(f) Within 20 business days after the hearing, the Director shall affirm or rescind the denial or recall. The denial or recall shall be deemed rescinded if the Director has not affirmed the denial or recall within 20 business days. Each decision or order adverse to the applicant shall be in writing and shall be accompanied by findings of fact and conclusions of law. The Department shall notify the applicant of an adverse decision by delivering, mailing, or e-mailing

a copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party or to the party's attorney of record.

(g) The hearing shall constitute a contested case hearing for purposes of HRS § 91-14 and the applicant or Agency shall be entitled to judicial review under that section.

(h) Nothing herein shall limit an applicant's right to file an appeal pursuant to Section 286-58. [Eff 11/14/90; am and comp ] (Auth: RCH §4-105.3)  
(Imp: RCH §6-402)

[Rule 6.12 Right of Applicant to a Hearing

~~Whenever the Director denies the Issuance of a special number plate pursuant to the Hawaii Revised Statutes or these Rules and Regulations of the Director of Finance, the applicant shall have 10 days to file a notice of appeal for a hearing with the Director.] [Eff 11/14/90; R. ]~~

[Rule 6.13 Hearing

~~Within twenty (20) working days from the filing of such notice of appeal, the Director or a designated hearing officer shall conduct a hearing. The hearing shall be conducted in conformity with the provisions of Section 91-9, HRS, relating to contested cases.] [Eff 11/14/90; R. ]~~

[Rule 6.14 Decision and Order

~~Within ten (10) working days after the hearing, the Director may rescind or affirm the denial. Each decision or order adverse to the applicant shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. The applicant shall be notified by delivery or mailing of a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to the applicant or his attorney of record.] [Eff 11/14/90; R. ]~~

[Rule 6.15 Reconsideration

~~Any applicant to whom an adverse decision and order has been rendered by the Director may request a reconsideration of such adverse decision and order provided that such request shall be based on new evidence which was not considered by the Director during the original hearing.] [Eff 11/14/90; R. ]~~

[Rule 6.16 Appeal to District Court

~~An applicant to whom an adverse decision and order or ruling has been rendered may file an appeal to the District Court of Honolulu as provided in Section 286-58, HRS.]” [Eff 11/14/90; R. ]~~



1. Material, except source notes and other notes, to be repealed is bracketed and stricken. New material is underscored, except for the original titles of sections 6.1 to 6.16, which are underscored in the original and remain underscored here.

2. Additions to update source notes and other notes to reflect these amendments and compilation are not underscored.

3. These amendments to and compilation of Part VI of the Rules of the Department of Customer Services shall take effect ten days after filing with the Office of the City Clerk, City and County of Honolulu.

I certify that the foregoing is a true and correct copy of Chapter 15 of the Rules of the Department of Customer Services, Sections 6.1 – 6.17, drafted in the Ramseyer format, adopted on \_\_\_\_\_, 2023, following a public hearing on \_\_\_\_\_, and filed with the Office of the City Clerk, City and County of Honolulu.

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KIMBERLY HASHIRO, Director  
Department of Customer Services  
City and County of Honolulu

APPROVED AS TO FORM:

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Deputy Corporation Counsel

Amendments to and compilation of Part VI of the Rules of the Department of Customer Services, Sections 6.1 – 6.17, relating to special number license plates, were adopted on \_\_\_\_\_, 2022, following a public hearing held on \_\_\_\_\_, 2023, at \_\_\_\_\_, during which public testimony was taken, after public notice containing all information required by Section 91-3, Hawaii Revised Statutes, was published in the Honolulu Star-Advertiser on \_\_\_\_\_, 2023.

These rules shall take effect ten days after filing with the Office of the City Clerk, City and County of Honolulu.

\_\_\_\_\_  
KIMBERLY HASHIRO, Director  
Department of Customer Services  
City and County of Honolulu

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
RICK BLANGIARDI  
Mayor  
City and County of Honolulu

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy Corporation Counsel

Received this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
City Clerk